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EXAMINER	
HAMZA, FARUK	

ART UNIT	PAPER NUMBER
2155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/038,078	KADRI ET AL.	
	Examiner	Art Unit	
	Faruk Hamza	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,15,16,18-21 and 29-37* is/are pending in the application.

4a) Of the above claim(s) *13-14,17 and 22-28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,15,16,18-21 and 29-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Request for Continued Examination

1. This action is responsive to the RCE filed on February 07, 2006. Claims 1,3,10-12, 15-16,18-19,21,29-31,34-35 have been canceled. Claims 13 and 17 have been canceled. Claims 1-12,15-16,18-21 and 29-37 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It recites negative limitation "the first server is not a neighbor peer".

> Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See In re Johnson, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also Ex parte Grasselli, 231 USPQ 393 (Bd. App. 1983), aff 'd mem., 738 F.2d 453 (Fed. Cir. 1984).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-12,15-16,18-21 and 29-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Dutta et al. (U.S. Pub. No. 2002/0073204) hereinafter referred as Dutta.

Dutta teaches the invention as claimed including a method and system for allowing a user of data sharing application in a pee-to-peer network (See abstract).

As to claim 1, Dutta teaches a method, comprising:

when a first server is active in a peer-to-peer network having multiple peers, from a first peer querying the first server for information about a second peer in the peer-to-peer network, wherein the first server is configured to include information about all of the multiple peers in the peer-to-peer network (Page 3, P [0036]-P [0039]; Fig. 2D, Dutta discloses first server having multiple peers in peer-to-peer network and include information about other peers); and

when the first server is not able to satisfy the query, querying one or more neighbor peers for information about the second peer, wherein the first server is not a neighbor peer (Page 3, P [0036]-P [0039]; Fig. 2D, Dutta discloses forwarding the received query to other peer after searching itself).

As to claim 2, Dutta teaches the method of claim 1, wherein the first server includes a network peer directory containing the information about all of the multiple peers in the peer-to-peer network (Page 1, P [0006]).

As to claim 3, Dutta teaches the method of claim 2, wherein a peer in the peer-to-peer network includes a neighbor peer directory containing information about one or more neighbor peers (Page 1, P [0006]).

As to claim 4, Dutta teaches the method of claim 3, further comprising:

determining if the first peer already has information about the second peer prior to querying the first server (Page 3, P [0037]); and

retrieving the information about the second peer when the information about the second peer is located the first peer (Page 1, P [0037]).

As to claim 5, Dutta teaches the method of claim 4, wherein querying the one or more neighbor peers comprises:

querying a neighbor peer included in the neighbor peer directory of the first peer to locate the information about the second peer (Page 3, [0037]); and

when the information about the second peer is located in the neighbor peer, retrieving the information about the second peer from the neighbor peer (Page 3, [0037]).

As to claim 6, Dutta teaches the method of claim 1, wherein when the first server is not active in the peer-to-peer network, at least one of the multiple peers in the peer-to-peer network becomes a second server (Page 3, P [0034]; [0041]).

As to claim 7, Dutta teaches the method of claim 6, wherein the at least one of the multiple peers in the peer-to-peer network becomes the second server by broadcasting a message to other peers in the peer-to-peer network (Page 3, P [0034]; Page 4, P [00046]).

As to claim 8, Dutta teaches the method of claim 7, wherein the at least one of the multiple peers in the peer-to-peer network becomes the second server by receiving positive acknowledgement to the broadcasted message from the other peers in the peer-to-peer network (Page 3, P [0034]; Page 4, P [00046]).

As to claim 9, Dutta teaches the method of claim 6, wherein the at least one of the multiple peers in the peer-to-peer network becomes the second server if that peer has sufficient capability rating (Page 3, P [0034]; Page 5, P [0059]).

As to claim 10, Dutta teaches the method of claim 9, wherein the capability rating of a peer includes storage and processing capability (Page 3, P [0034]; Page 5, P [0059]).

As to claim 11, Dutta teaches a system, comprising:

a network interface to connect to a peer-to-peer network (Fig.1A; Page 2, P [0026]);

a processor coupled with the network interface (Page 2, P [0028]);

a memory coupled with the processor and the network interface, the memory including a neighbor peer directory having information about zero or more neighbor peers in the peer-to-peer network, wherein when searching for a desired peer, the memory is first searched to locate information about the desired peer, wherein when the information about the desired peer is not included in the

memory, a first query is sent to a server system connected to the peer-to-peer network to search for the information about the desired peer, the server system having information about all peers in the peer-to-peer network, and wherein when the server system is not able to satisfy the first query a second query is sent to neighbor peers (Page 2, P [0028]; Page 3, [0037]).

As to claim 12, Dutta teaches the system of claim 11, wherein the first query is sent to the server system when the server system is active (Page 3, P [0034]; P [0041]).

As to claim 15, Dutta teaches the system of claim 12, wherein when the server system is not active, one or more peers in the peer-to-peer network becomes a replacement server system (Page 3, P [0034]; [0041]).

As to claim 16, Dutta teaches a computer readable medium containing executable instructions which, when executed in a processing system, causes the processing system to perform a method comprising:

when a server system is active in a peer-to-peer network, querying the server system for information about a desired peer in the peer-to-peer network, wherein the server system includes information about all of the peers in the peer-to-peer network (Page 3, P [0034]; [0037], Dutta discloses querying server for information); and

when the server system is not able to provide the information about the desired peer, querying neighbor peers for the information about the desired peer (Page 3, P [0037], Dutta discloses querying neighbor peers for information when server fails to provide information).

As to claim 18, Dutta teaches the computer readable medium of claim 16, wherein a peer in the peer-to-peer network includes information about neighbor peers (Page 1, P [0006]- P [0007]).

As to claim 19, Dutta teaches the computer readable medium of claim 18, further comprising:

retrieving the information about the desired peer from a local memory instead of querying the server system when the information about the desired peer is located in the local memory (Page 3, [0037]).

As to claim 20, Dutta teaches the computer readable medium of claim 19, wherein querying the neighbor peers comprises:

querying one or more of the neighbor peers to locate the information about the desired peer (Page 3, [0037]); and

when the information abut the desired peer is located in a neighbor peer, retrieving the information about the desired peer from the neighbor peer (Page 3,

[0037]).

As to claim 21, Dutta teaches the computer readable medium of claim 16, wherein when the server system becomes inactive in the peer-to-peer network, at least one of the peers in the peer-to-peer network becomes a replacement server system (Page 3, P [0034]; [0041]).

As to claim 29, Dutta teaches a peer-to-peer network, comprising:

a super peer configured to include information about peers in the peer-to-peer network, wherein each of the peers includes information about the super peer, wherein one or more of the peers include information about its corresponding neighbor peers, wherein when a first peer is to search for a second peer in the peer-to-peer network, the first peer is to search In a sequence including memory of the first peer, the super peer, and neighbor peers of the first peer until either information about the second peer is located or it is determined that the second peer is not in the peer-to-peer network (Page 1, P [0006-0007]; Page 3, P [0034, 0037,0039], Dutta discloses each peer having information about other peers in peer-to-peer network. A node search itself for the information first before forwarding the query to neighbor peers).

As to claim 30, Dutta teaches the network of claim 29, wherein the super peer is capable of delegating super peer functions to one or more peers in the peer-to-peer network (Page 1, P [0006-0007]).

As to claim 31, Dutta teaches the network of claim 30, wherein when the super peer becomes inactive, each of the peers in the peer-to-pear network is to update own information about status of the super peer (Page 1, P [0006-0007]; Page 5, P [0055]).

As to claim 32, Dutta teaches the network of claim 31, wherein when the super peer becomes inactive, one or more of the peers in the peer-to-peer network becomes a replacement super peer (Page 1, P [0006-0007]; Page 3, P [0034]).

As to claim 33, Dutta teaches the network of claim 32, wherein the replacement super peer is have sufficient storing and processing capability to perform as the super peer (Page 1, P [0006-0007]; Page 3, P [0034]).

As to claim 34, Dutta teaches the network of claim 31, wherein a peer is to update the super peer of changes to information about neighbor peer (Page 1, P [0006-0007]; Page 5, P [0055]).

As to claim 35, Dutta teaches the network of claim 34, wherein a peer is to update the super peer of changes to information about network identification (Page 1, P [0006-0007]; Page 5, P [0055]).

As to claim 36, Dutta teaches the network of claim 31, wherein when the first peer is to search for the second peer using the neighbor peers of the first peer, hop count information is used to control search propagation (Page 3, P [0042]).

As to claim 37, Dutta teaches the network of claim 31, wherein when the first peer is to search for the second peer using the neighbor peers of the first peer, time stamp information is used to control search propagation propagation (Page 3, P [0042]).

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sing et al. (U.S. Patent Number 6,915,294) discloses method for searching network resources.

- Faybishenko et al. (U.S. Patent Number 6,934,702) discloses method and system of routing message in a distributed search network.
- Dutta et al. (U.S. Patent Number 7,003,514) discloses method for restricting a fan-out search in peer-to-peer network.
- Dinkin et al. (U.S. Patent Number 5,224,205) discloses method for combining computer networks into a single logical network.
- Devine et al. (U.S. Patent Number 6,994,662) discloses system and methods for providing automatic distributed data retrieval.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

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